

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 12-cv-1096-WJM-CBS

POTTER VOICE TECHNOLOGIES, LLC

Plaintiff,

v.

APPLE, INC.,
GOOGLE, INC.,
HTC AMERICA, INC.,
SAMSUNG TELECOMMUNICATIONS AMERICA, LLC,
SONY MOBILE COMMUNICATIONS (USA), INC.,
LG ELECTRONICS MOBILECOMM U.S.A., INC.,
MOTOROLA SOLUTIONS, INC.,
MOTOROLA MOBILITY, INC.,
ZTE (USA) INC.,
KYOCERA INTERNATIONAL, INC.,
SHARP ELECTRONICS CORPORATION,
HUAWEI DEVICE USA, INC.,
PANTECH WIRELESS, INC.,
RESEARCH IN MOTION LIMITED,
RESEARCH IN MOTION CORPORATION,
MICROSOFT CORPORATION, and
NOKIA, INC.

Defendants.

ORDER OF RECUSAL

This matter is before Court *sua sponte*.

Section 455(a) of Title 28 of the United States Code states that “Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.” A trial judge must

recuse himself when there is an appearance of bias, regardless of whether there is actual bias. *Nichols v. Alley*, 71 F.3d 347, 350 (10th Cir. 1995). The test is whether a reasonable person, knowing all the relevant facts, would harbor doubts about the judge's impartiality. *Hinman v. Rogers*, 831 F.2d 937, 939 (10th Cir. 1987).


On June 12, 2012, Attorney Victor H. Polk, Jr. of the Greenberg Traurig law firm entered his appearance in this case on behalf of Defendant Samsung Telecommunications, LLC. Mr. Polk was a classmate and good friend of mine at the University of Chicago Law School. We have remained in contact over the years and he was invited to my Investiture Ceremony last year when I became a federal judge.

Based on this ongoing relationship I have with Mr. Polk, I find that a reasonable person would harbor doubts about my impartiality. As a result, recusal is required by 28 U.S.C. § 455(a), and I hereby recuse myself from this case.

It is therefore ORDERED that the Judge's file be returned to the Clerk's office for the case to be reassigned by random draw.

Dated this 15th day of June, 2012.

BY THE COURT:


United States District Judge